

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION**

NANCY ANN GOODWILL,

Case No. 1:22-cv-01017-EPG

Plaintiff,

V.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT; ORDER**

(ECF No. 25)

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of SEVEN THOUSAND DOLLARS AND 00/100 (\$7,000.00) under the Equal Access to Justice Act (EA), 28 U.S.C. § 2412(d), and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. § 2412(d). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 1920, 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the

1 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
2 whether they are subject to any offset.

3 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
4 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses
5 and costs to be made directly to Counsel, pursuant to the assignment executed by Plaintiff. Any
6 payments made shall be delivered and made payable to Plaintiff's counsel, Jonathan O. Peña.

7 Plaintiff's net worth did not exceed \$2,000,000.00 when this action was filed.

8 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
9 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
10 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
11 and all claims that Plaintiff and/or Counsel including Counsel's firm may have relating to EAJA
12 attorney fees in connection with this action.

13 This award is without prejudice to the rights of Counsel and/or Counsel's firm to seek Social
14 Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the
15 EAJA.

16 Respectfully submitted,

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18 Dated: August 28, 2023

/s/ Jonathan O. Peña
19 JONATHAN O. PEÑA
Attorney for Plaintiff

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21 Dated: August 28, 2023

PHILLIP A. TALBERT
United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation
Social Security Administration

22 By: ** Edmund J. Darcher*

23 Edmund J. Darcher
Special Assistant U.S. Attorney
24 Attorneys for Defendant
25 (*Permission to use electronic signature
26 obtained via email on August 28, 2023).
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1 **ORDER**

2 Based upon the parties' Stipulation for the Award and Payment of Equal Access to Justice Act
3 Fees and Expenses (ECF No. 25), **IT IS ORDERED** that fees and expenses in the amount of SEVEN
4 THOUSAND DOLLARS AND 00/100 (\$7,000.00) as authorized by the Equal Access to Justice Act
5 (EAJA), 28 U.S.C. § 2412(d) and costs in the amount of ZERO dollars (\$0.00) under 28 U.S.C. §1920,
6 be awarded subject to the terms of the stipulation. Given the parties' stipulation, the Clerk of Court is
7 directed to terminate Plaintiff's motion for attorney fees (ECF Nos. 20, 21).

8 IT IS SO ORDERED.

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10 Dated: August 29, 2023

/s/ *Eric P. Gross*
11 UNITED STATES MAGISTRATE JUDGE

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